

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 ADELIDIA CORTEZ,

12 Plaintiff,

13 vs.

14 ING Bank, FSB; INTERGRATED
15 LENDER SERVICES; all persons
16 unknown claiming to have legal,
17 equitable, lien, and estate against the
subject property located at 1503 Dubuque
Street, Oceanside, CA 92058; DOES 1 to
50 inclusive,

18 Defendants.

CASE NO. 11cv1532-WQH-WVG

ORDER

19 HAYES, Judge:

20 On July 7, 2011, Plaintiff, proceeding pro se, initiated this action by filing a Complaint
21 in San Diego County Superior Court. (ECF No. 1, Ex. A). On July 12, 2011, ING Bank, FSB
22 removed the action to this Court, alleging federal question jurisdiction. (ECF No. 1). On July
23 27, 2011, ING Bank, FSB filed a Motion to Dismiss the Complaint pursuant to Federal Rule
24 of Civil Procedure 12(b)(6). (ECF No. 4). On September 13, 2011, the Court granted the
motion and dismissed the Complaint without prejudice as to ING Bank, FSB. (ECF No. 6).

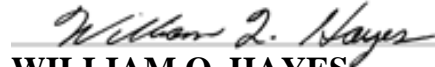
25 On March 26, 2012, the Court issued an Order stating that, “[s]ince September 13,
26 2011, the docket reflects that no action has been taken by any party in this case.... It appearing
27 to the Court that dismissal for want of prosecution may be appropriate in this case, Plaintiff
28 is hereby ORDERED TO SHOW CAUSE [by April 30, 2012] as to why this case should not

1 be dismissed without prejudice for failure to prosecute.... If Plaintiff does not respond, the
2 Court will dismiss this case without prejudice.” To date, Plaintiff has not filed any response
3 to the Court’s Order to Show Cause.

4 Pursuant to Local Rule 41.1, “[a]ctions or proceedings which have been pending in this
5 court for more than six months, without any proceeding or discovery having been taken therein
6 during such period, may, after notice, be dismissed by the court for want of prosecution.” S.D.
7 Cal. Civ. Local Rule 41.1. Federal Rule of Civil Procedure 41(b) provides that “[i]f the
8 plaintiff fails to prosecute or to comply... with a court order,” the plaintiff’s claim may be
9 dismissed. Fed. R. Civ. P. 41(b). Plaintiff has failed to comply with the March 26, 2012 Order
10 to Show Cause, and Plaintiff has failed to prosecute this action for over six months.

11 IT IS HEREBY ORDERED that this action is DISMISSED without prejudice.

12 DATED: May 4, 2012

13 
14 **WILLIAM Q. HAYES**
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28